

UNITED STATES DISTRICT COURT

Jury demand date: 9-10-74 (Pltf)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>VELMA M. FRITTS, Plaintiff</p> <p>vs.</p> <p>TRAVELERS INSURANCE CO., Defendant</p>		<p>For plaintiff:</p> <p><i>Dale M. Daniel 749-7771</i> John L. Osmond 2626 East 21st Street Tulsa, Oklahoma 74114</p> <p>For defendant:</p> <p>Thomas R. Brett 1700 Fourth National Bank Bldg. Tulsa, Oklahoma 74119</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 9-1-74	Clerk	8-22-74		15 00	
J.S. 6 mailed 7-1-75	Marshal	8-29-74	C/D #10		15 00
Basis of Action: Insurance policy death benefits not paid.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-22-74	1. Petition for Removal from Dist. Court for Tulsa County, Okla., filed. lm	
8-22-74	2. Bond on Removal - \$500.00, Travelers Indemnity Co, surety, filed. lm	
8-22-74	3. Notice of Removal, filed. lm	
8-22-74	4. Proof of filing, filed. lm	
8-22-74	5. Deft's Answer, filed. lm	
9-4-74	MO: Parties are directed to hold a pre trial conference on or before 10-16-74 & file PT order on or before 10-23-74. (AEB-J)k copies sent by certified mail	
9-6-74	6. Order sua sponte consolidating No. 74-C-348 with this case, filed. (AEB-J)g	
9-9-74	Dep. of Henry A. Rutter on behalf of deft. taken before Thomas G. Bloxom on 8-21-74. Fee of \$120.90 pd. by deft. filed.jj	
9-10-74	7. Pltf's DEMAND FOR JURY TRIAL, filed. k	
9-10-74	8. Pltf's application for permission to amend petition, filed. k	
9-10-74	9. Objection of Pltf. to Order of Consolidation, filed. k	
9-11-74	10. Pltf's Brief in support of objection to Order of Consolidation, filed. k	
9-11-74	MO: It is ordered by the Court that Deft. is granted ten (10) days to respond to Pltf's Objection to Consolidation. (AEB-J)k cps mld	
9-11-74	11. Order, filed, granting pltf's appl. to amend petition. Ten days allowed to file same. Twenty days thereafter to answer. (FD-J/for AEB) k copies mailed.	
9-16-74	12. Amendment to petition, filed. k	
9-25-74	13. Answer of def. to amend. to petition, filed. rm	
9-26-74	14. Brief in response to objection to Order of Consolidation, filed. k	
10-16-74	15. Interrogatories of Pltf., filed. b	
10-21-74	16. Appl. of Pltf. for ext. of time to file PT order, filed. v (o)	
10-24-74	DEPOSITIONS of Velma M. Fritts, Edward Michael Fritts, Sharon Lee Fritts on behalf of the defendant on 10-14-74 in Tulsa, Okla. before Jimmie J. Reed, CSR (\$59), filed. lm	
11-7-74	17. ORDER, filed, granting pltf. 45 days from 10-23-74 to file PT Order. lm copies mld.	
11-7-74	18. Order, filed, over ruling pltf's obj. to order of consolidation. (AEB-J)k copies mailed.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-18-74	19. ANSWERS of deft. Financial Assurance, Inc. to Interrogatories, filed.jj	
12-5-74	20. Pltf's proposed pre-trial order, filed. g	
12-13-74	21. Proposed pre-trial order of defs., filed. rm	
12-19-74	22. Notice to take depositions (Gorman Thompson & Robert Formen), filed.hm	
12-26-74	23. Notice to take depos. of Richard Wayne Price, Boyd Powers, Joel Terry & Lee Caywood, filed.k	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	
1-28-75	Deposition of Richard W. Price, on behalf of def, taken on 1/3/75, filed. rm (\$31.50 pd by def)	
1-28-75	Deposition of Boyd N. Powers, taken on 1/3/75 on behalf of def., filed. (Frank L. Peterson-CSR) (\$13.50 pd by def) rm	
1-28-75	Deposition of Gorman C. Thompson taken on 1/3/75 on behalf of def., filed. (F. L. Peterson-CSR) (\$58.50 pd by def)rm	
1-28-75	Deposition of Leroy Kaywood taken on 1/3/75 on behalf of def., filed. (F. L. Peterson-CSR)(\$28.50 pd by def)rm	
2-11-75	Deposition of Joel Terry, on behalf of defts., filed. h	
2-11-75	Deposition of Robert C. Foreman, on behalf of deft., filed. (\$43.50)g	
2-14-75	Case set for pre-trial 2-27-75 at 4:15 p.m. (HDC-J)hm	
2-27-75	24. Pltf's Trial Brief, filed.k	
2-27-75	Pre-trial hearing held. Statements made. Deft. given 20 days to file trial brief. Pltf. to prepare and file an agreed-to pre-trial order and case to be set for jury trial after March jury docket. (EST-2 days) (HDC-J)hm	
3-6-75	25. Pretrial order, filed. (HDC-J)hm	
3-19-75	26. Trial brief of defendants, filed.k	
3-24-75	MO: Cases set for jury trial 6-9-75 at 10:00 a.m. (HDC-J)hm	
4-2-75	MO: Cases reset for jury trial 6-16-75 at 10:00 a.m. (HDC-J)hm	
5-30-75	27. Supplemental trial brief of pltf., filed. hm	
6-2-75	28. Deft's requested instructions, filed. lm	
6-5-75	29. Pltf. requested instructions, filed. rm	
6-16-75	MO: Case called for jury trial. Parties present and announce ready. Case passed to 6-19-75 at 9:30 a.m. (HDC-J)hm	
6-16-75	Deposition of Charles J. Gebetsberger, M.D., taken on behalf of pltf. on 5-27-75 before Frank L. Peterson, CSR, at Okla. w/ fees of \$21.00 pd. by defendant. filed. sw	

DATE	PROCEEDINGS	Date Order or Judgment Note
6-16-75	30. Defts' requested voir dire, filed in open court. hm	
6-17-75	U.S. Marshals service returned and filed. Executed by serving Herman Frazier, 6-10-75 at Hominy, Okla.; Gorman Thompson and Joel Terry, 6-10-75 at Tulsa, Okla.; Dr. Gebetsberger, 6-12-75 at Sapulpa, Oklahoma; Richard W. Price and Edward Fritts, 6-13-75 at Tulsa, Okla.; Leroy Caywood, 6-13-75 at Henryetta, Okla. and Robert C. Foreman, 6-13-75 at Locust Grove, Okla. (USM \$62.96)jj	
6-19-75	Case tried to a jury June 19 and 20, 1975. Jury empaneled and admonished. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses. Pltf.'s exhibits 1-10 admitted into evidence. Pltf. rests. At close of Pltf.'s case, Defts.' mot. for dismissal is denied. Defts. present case in chief w/testimony of witnesses. Defts. rest. Defts. renew mot./dismiss and makes motion to Court for directed verdict. Pltf. moves for directed verdict. Court overrules Defts.' motion to dismiss and Defts.' mot./directed verdict. Court overrules Pltf.'s mot. for directed verdict. Parties rest. Closing arguments made. Instructions given. Bailiff sworn. Jury retires to deliberate on 6-20-75 at 11:15 a.m. and returns w/verdict at 11:45 a.m. on 6-20-75, finding for the Defts. Verdict ordered rec'd, read, and filed in Open Court. Court recessed and jury discharged. (HDC-J)v	
6-20-75	Instructions, filed in Open Court. (HDC-J)v	
6-20-75	Verdict, filed in Open Court, finding for Defts. v	
6-20-75	Trial exhibits, filed. (See envelope in file.) v	
6-20-75	Judgment on Jury Verdict finding for the Defts., filed and entered. Ordered that Pltf. take nothing and that the Defts., Travelers Insurance Co. and Financial Assurance, Inc., a corporation, recover of the Pltf., Velma Fritts, its costs of action. (JCS-CC)v	